

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD**

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UNITED STATES OF AMERICA, and  
the STATE OF WEST VIRGINIA, by  
and through the WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Plaintiffs,

v.

JAMES C. JUSTICE COMPANIES, INC.,  
JAMES C. JUSTICE, II, and HIGH  
MOUNTAIN LIVING, LLC,

Defendants.

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Civil Action No. 1:15-cv-16018

**PLAINTIFFS' MOTION TO ENFORCE CONSENT DECREE**

Plaintiffs the United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), and the State of West Virginia, by and through the West Virginia Department of Environmental Protection, hereby move the Court to enforce the Consent Decree that this Court entered on February 25, 2016. ECF No. 13. As explained in the supporting Memorandum of Law, Defendants James C. Justice Companies, Inc., and James C. Justice, II (“Justice Defendants”) have failed to comply with certain stream restoration-related requirements of the Decree; specifically, the submittal of post-restoration monitoring reports to EPA and the recording of deed restrictions to permanently protect the restored portions of the property.

Accordingly, and as specified in more detail in the accompanying proposed Order, Plaintiffs respectfully request that the Court enforce the Consent Decree by requiring the Justice

Defendants to: (1) within 30 days, record deed restrictions that are in accordance with Paragraph 29 and Appendix B of the Decree; (2) within 60 days, submit to EPA an initial post-restoration monitoring report assessing whether any additional restoration work is necessary; (3) beginning in April 2022, and for ten years thereafter at the intervals specified in the proposed Order (unless the parties otherwise agree to a shorter period), submit to EPA additional post-restoration monitoring reports; (4) reimburse the United States' costs of litigation, including reasonable attorneys' fees, in seeking enforcement of the Consent Decree; and (5) grant any other monetary and injunctive relief the Court deems appropriate.

Respectfully submitted,

Dated: September 8, 2021

FOR THE UNITED STATES OF AMERICA

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FOR THE STATE OF WEST VIRGINIA

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of September, 2021, I served the foregoing “Plaintiffs’ Motion to Enforce Consent Decree” through the Court’s CM/ECF system to the following counsel for Defendants:

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